

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SANDOZ INC. :
 :
 :
v. : **CIVIL ACTION NO. 20-3538**
 :
LANNETT COMPANY, INC. :
 :

ORDER

This 28th day of December 2020, it is hereby **ORDERED** that Defendant's Motion to Dismiss, ECF 41, is **GRANTED in part and DENIED in part** as follows:

1. Defendant's motion to dismiss Count II is **GRANTED**, and this claim is dismissed.
2. In all other respects the Motion is **DENIED**.

/s/ Gerald Austin McHugh
United States District Judge